

A brieft  
**A B S T R A C T**  
OF THE QVESTION  
OF  
**PRECEDENCY,**  
BETWEENE  
ENGLAND and SPAIN.

Occasioned

By Sir *Henry Nevil* Knight, the Queen  
of England's Embassador, and the Embassa-  
dour of *Spain* at *Calys*, before Commissioners  
appointed by the French King:

Who had moved a Treaty of Peace in the two and fortieth  
yeare of the reigne of the same Queen, by ROBERT COTTON  
Esquire, at the commandement of the  
Queens Majesty.



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# THE PRECEDENCY OF ENGLAND and SPAIN.

Place; { *Antiquities;* } *Kingdome,*  
           { *or* } *or a*  
           { *Eminency;* } *Christian Kingdome of the throne Royall.*  
 Or Person; { *Nobility of blood,*  
               { *or*  
               { *Antiquities of government.*

*precedency of England in respect of the antiquity of the Kingdome.*

**I**O seek before the decay of the *Roman Empire* the antiquity of any kingdom, it were a meer vanity, when as the kingdoms of *Christendome*, now in being, had their rising from the fall thereof; at which instant *Vortigeras*, a native of this Isle, first established here a free kingdom 450. years, from whence her Majesty is in descent Lineally.

And it is plain, that as we were later than *Spain* reduced under the *Roman* yoke, so were we sooner freed from it.

*Subsequence of Spain.*

*Spain*, since the dissolution of the *Roman Empire*, articulated no King till of late.

For *Attalaricus* (from whom they would upon slender warrant ground their discent) was never stiled *Rex Hispanie*, but *Gothorum*. And the kingdom of *Castile*, wherein the maine and fairest antiquity of *Spaine* rested, began not before the yeare of Christ 1017. whereas they were but Earles of *Castile* before.

So that the kingdom of the *English* begun (which was alwayes, as *Beda* observes, an *Heptarchy*) 460. years before *Castile* or *Spain*.

*Precedency of England in respect of Antiquity of Christian Religion.*

Joseph of Aramathea planted Christian Religion immediatly after the Passion of Christ in this Realme.

And *Aristobulus*, one of them mentioned by *S. Paul*, *Rom. 16.* was *Episcopus Britannorum*, and so likewise was *Simon Zelotus*.

The first Christian King in Europe was *Lucius Sirius*.

The first that ever advanced Papacy of Rome was the Emperour *Constantius*, born at York, of whom in the Roman Lawes neer his time is written, *Qui Veneranda Christianorum fide Romanorum immisit Imperium*. And to him particularly more than to other Emperours are these Epithetary attributed, *Divus divae memoriae, divinae memoriae, orbis literator, quietus fundator, reipublicae instaurator, publicae libertatis auctor magnus, maximus in vestris restitutor urbis Romae, atque orbis*.

And there have been more Kings and Princes of the blood Royall Confessors and Martyrs in England, than in any Province in Europe: And from *Ethelbert* King of Kent (converted in anno 596.) untill this day Christianity hath been without interruption continued.

*Subsequence of Spain.*

In the time of *Claudius S. James* preached in Spain; but gained only nine soules: So did he in Ireland, (as *Vincentius* saith) and they cannot count Christian Religion to be then planted in Spain, which shortly after was first tainted with the heresie of *Prisilian*, then with *Gothish* Arianism, and after defaced with Moorish Mahometism from 707. yeares after Christ, in continuance 770. yeares, until *Ferdinando* King of Aragon and Castile utterly expelled the *Moores* from thence.

*Precedency of England in respect of the more absolute authority politicall.*

The Queen of Englands power is absolute in acknowledging no Superiour, nor invassalage to Pope nor Emperor. For that subjection, which by King John was made to *Innocentius* the third, after in Parliament, *Per praeceptum Domini Papa septimo Julii cum fidelitate homagii relaxatur omnino*.

Sir Thomas Moore in his *Debellation* saith, The Church of Rome can shew no such deed of subjection, neither that the King could grant it of himselfe. And *Eugubinus* in his Defence of *Constantius Donat.* nameth not England, where hee reciteth all the feodary Kingdoms to the Papacy.

*Baronius.*  
*Dorotheus*  
*Beda.*  
*Beda.*  
*Baro. &*  
*Donaco*  
*Constanti-*  
*ni.*



Ex legibus  
Canat.

The Peter-pence were not duties, but *Eleemozyna Regis*, neither the Roman Scot, but *Regis largæ benignitatis pacem non habet Rex Anglia in regno suo multo fortius, nec superiorem habere debet*, saith Bracton.

*Ipse non debet esse sub homine, sed sub Deo, & habet tantum superiorem Judicem Deum.*

Likewise in appointing Magistrates, pardoning life, appeales, granting priviledges, taking homage, and the like. And this *Jura majestatis* not limited in *sensu numerato, bello Judicando, pace ineundo.*

Eulenterius the Pope, 1400. yeares ago, in his Epistles to Lucius King of Brittain, stileth him *Vicarius Dei in regno suo.*

So is the King of England in Edgars Laws; and Baldus the Lawyer saith, *Rex Anglia est Monarcha in Regno suo*: and Malmesbury, post *conversionem ad fidem, tot & tantas obtinuit libertates quot Imperator Imperio.*

#### Subsequence of Spaine.

The King of Spaine hath no Kingdome, but is Feodary, as Castilia enthralled by Oath of subjection and Vassalledge from King Henry to Charles the fifth of France, 1369. *ex fœdore contracto*: And for the Netherlands there is due to the French King, or the Papacy; as Aragon to Innocentius the third by Peter, 1204. confirmed by Ferdinando and Alphonsus, 1445. and from James by the like Oath, 1453.

And to Sardinia and Corsica the Kings of Aragon from the Bishops of Rome were under Oath of subjection invested *ex formali fiducia.*

The Kingdome of Portugal in vassallage to the Pope under an Annuall tribute.

And the Canaries, Hesperides, and Gorgon Ilands subjected to the Sea of Rome under the chiefe Rent of foure hundred Florens by Lewis King of Spain, 1243. of both the Indies, Alexander did reserve the regalities of Scicilia to the Church, as chiefe Lord.

And Grando and Navar were made Feodary to the Pope under Julius the second.

Naples at every change sendeth a Palphery, as an Heriot due to the Church of Rome; and of the Empire hee holdeth the Dukedome of Millain: So that it is questionable among Civilians, whether he be Princeps, which holdeth in *fædo* all, of others; his absolute authority restrained in Aragon by *Justitia Aragonica*; in Bisca and other places, by particular reservations; and his *Jura Majestatis in sensu numerato*

*merato, bello iudicando, pace incundo, &c.* limited by the priviledge of the State, as in *Brabant*, and else-where in his Spanish territories, *ex propriis constitutionibus & privilegiis.*

*Precedency of England in respect of more absolute Authority Ecclesiasticall.*

Her Majesties power is more absolute in this, confirmed by ancient custome and priviledge more than any other Christian Prince, for no Legat *de latere* in *England de Jure* allowed but the Archbishop of *Canterbury*, if any be admitted by curtesie, hee hath no authority to hold plea in the Realme contrary to the Laws thereof. *Placit. 2. H. 4.* And before hee was admitted, and entred the Realme, he was to take oath to do nothing dirogatory to the King and his Councell, *placit. an. 1. H. 7.* No man might denounce the Popes Excommunication, nor obey his authority, on paine to forfeit all his goods without assent of the King or his Councell, *placit. 32. & 33. Edw. 1. Dunst. Rot. Malmsh.*

Henry the first called a Provinciaall Councell; and so did *Canutus* and others: No appeale to *Rome* without the Kings licence, *an. 32. & 34. Edw. 1.* Investure of Bishops and Church-men in the Kings hand, *ex Matth. Paris, & Hen. Huntington. De gratis Pontific. Dunel. placit. 32. Edw. 1.* and in *32. Edw. 3.* where the reason of the Ecclesiasticall authority to suspend or bestow Church livings, is yeelded, *Quia Anglia unguntur in Capite.*

*Subsequence of Spain.*

The King of *Spain* can prescribe no custome to prohibite the Popes Legate, nor useth any authority penall over the Clergie.

*Spaine* can produce no example of any Provinciaall Councell by call of their King. *Rodin. lib. 1. cap. 2.* towards the end, writeth that the Kings of *Spain*, *Non sine magna mercede impetrarunt sexti pontificis Romani rescriptione peregrinis sacerdotia tribuerentur.*

Appeales from the King to *Rome* allowed, so the Kings of *Spaine* hath no power Ecclesiasticall, having dispoiled themselves of all, by inthralling their kingdomes to the Church of *Rome.*

*Precedency of England in respect of eminency of Royall dignity.*

The Kings of *England* are appointed as the Kings of *France*, who only have their prehemineney before other Kingdomes, declared by miracle in the cure of the *Regis mortui*, which they can effect onely, and that of antiquity, from *Edw. the Confessor*, who lived in *an. 1067.* who healed many.



Beda.  
lib. 2.

They are superiour Lords of the Kingdoms of *Scotland* and *Man*, and *Vicarii Imperii*, as *Edm. 3.* and *Oswold* intituled him *Rex Christianissimus*. They are *fili adoptionis Ecclesie*; as the Emperour is *filius primogenitus*, and the King of *France*, *filius natu minor*. They are accounted among *Reges superillustres*, in this Order, *Imperator Rex Francia, Rex Anglia & Francia. Vides Corset.*

*England* in the generall Councils at *Constance* and *Pisa* was made a nation, when all Christianity was divided into foure Nations, *Italicam, Gallicam, Germanicam & Anglicam*, ex lib: *Sacrarum Ceremoniarum Ecclesie Romane*; Whereupon a seat accordingly was allowed at the three Generall Councils (*viz.*) *Constance, Pisa*, and *Sienne*, to the English Embassadour, next to the Emperour on the left hand, to the King of *France* on the right hand, which were ancient themselves, before the *Spaniards* at *Brasill*, 1431. began to contend for precedency, where it was in the first Session ordered, that all Legats should hold such places as they had enjoyed then before, according to their worth and antiquity, yet in the common Councell of *Trent*, the precedency of *France* with *Spaine* was made questionable.

*Augustus de Carallis*, as the strongest reason to bar the French interest, inferred the Queene of *England* from her Ancestors, both in respect of inheritance, conquest and gift, *de Jure* Queene of *France*; by which reason, when he doth shake or overthrow, as he doth consequently the precedency of *England*.

And at a treaty betweene *Hen. 7.* and *Philip* of *Castile*, 1506. the Commissioners of *England* did subsigne before the others, and in the Treaty of Mariage with Queene *Mary*, an. 1533. those of *England* are first rehearsed, and at *Burburgh*, an. 1588. they gave it to her Majesties Embassadors.

And in respect of the eminency of this Royall throne to the Sea of *Canterbury* was granted by *Urbane* at the Councell of *Claremount*, an. 1096. for ever the seat in Generall Councell at the Popes right foot, who at that time uttered these words, *Includamus in Orbe nostro tanquam alterius orbis Pontificem maximum.*

#### *Subsequence of Spain.*

1 The Kings of *Castile* are never anointed, neither hath the *Spanish* Throne that vertue to endue the King therein, and be invested with the power to heale the Kings-evill; for into *France* doe yearly

come

come multitudes of Spaniards to bee healed thereof.

2. No Kingdome held in Fee of him.
3. *Spaine* at the said Councell not remembred one of the Sonnes of the Church.
4. The King of *Spaine* placed last after the King of *England*, *Inter super illustres* by the said *Corsetus*.
5. The Kingdome of *Spaine* then comprised under *Italica natio*, and no Nation of it selfe, as in old time it was called *Iberia minor*, as a member of *Italy*, *England* being *Britannia major*.

At which time the *Spaniard* contented himselfe with the place next the King of *France*.

*Precedency of England before Spaine, in respect of Nobility of blood.*

Her Majesty in lineall descent is deducted from Christian Princes for 800. yeares by *Ethelbert* a Christian, 596. and the matches of her progenitors have been most Royall with *France*, *Germanie*, *Spaine*, *Scotland* and others.

*Subsequence of Spaine.*

For their antiquitie of Descent as *Kings of Spaine*, is chiefly from the Earles of *Castilia*, about 500. yeares since; for they cannot warrant their descent from *Attalaricus* the *Goth*, and as *Dukes of Austria* from the Earles of *Habspurgh*, only about 300 yeares since.

Their matches anciently for the most part were with their subjects, and of late in their owne blood.

*Precedencie of England in respect of antiquity of Government.*

Her Majestie having reigned now most happily about 42. yeares.

This we would not at this time have alledged, but that the Spanish Embassador at *Basil* objected, in this respect; the minority of King *Hen. 6.* Her sex herein is nothing prejudiciall, when as both divine and humane Lawes do allow it, and accordingly *Spaine*, *England* and *Hungaria*, insomuch, that *Mary* the last Queene was alwayes stiled *Regina Maria Hungarie*.

*Subsequence of Spaine.*

The King of *Spaine* is yet in the infancie of his kingdome.

For the precedency may be *viz.* the antiquity of the Kingdome, when as *Castile*, *Aragon*, *Navarre*, and *Portugall*, had their first Kings about 1025.

The ancient receiving of the Christian Faith by *Joseph of Arimathea*,



*thea, Simon Zelotes, Aristobulus, yea, by S. Peter, and by S. Paul, as Theodoretus and Sophrinus do testifie. This kingdome was held of God above, and in no Vassallage to the Emperour or Pope, as Naples, Sicilia, Aragon, Sardinia, and Corsica.*

Sir Thomas Moore denieth that King John either did or would make England subject to the Pope, and that the tribute was not paid (pag. 296.) but the Peter pence were paid to the Pope by King John by way of almes. The absolute power of the King of England within other Kingdomes is much restrained. England is accounted the fourth part of Christendome. For in the Councell of Constance all Christianity was divided into foure Nations, as aforesaid, and accordingly gave their voyces. England in the opinion of the Pope is preferred, because it is contained in the Ecclesiasticall division. Two large Provinces which had their *Legati nati*, when as France had scanty one. The Emperour is accounted *Major filius Papa*. The King of France is *Filius minor*. The King of England *Filius adoptivus*. The Archbishops of Canterbury are accounted by the Pope, *Tanquam alterius orbis Papa*, and appointed to have places in Generall Councils at the Popes right foot.

The title of *Defensor fidei*, as honourable and as justly bestowed upon the Kings of England, as *Christianissimus* upon the French, or *Catholicus* upon the Spaniard.

Edw. the third was created *Imp. vicarius perpetuus Imperii cum jure, rite notisque in omnes*, 1338.

*Imperii subditi*, and the Kings of England *Papa vicarii* by Pope Nicholas the second (*viz.*) Copgrave, 1065.

Innocentius the fourth said, *Vere hortus deliciarum est Anglia, vero puteus inexhaustus ubi multa abundant*, &c. 1246.

King Hen. 2. elected King of Ierusalem by the Christians, 1185.

Richard the first conquered the kingdom of Cyprus, and gave it to Guy Lusignan whose posterity reigned there untill of late yeares.

This kingdome hath heretofore challenged the superioritie over Scotland, as aforesaid, and is now at this time the absolute Lord of Ireland, besides it still retaineth the title to the Kingdome of France.

FINIS.